CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

JUNE 6, 2006

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

INVOCATION:
Assistant City Manager Haydon gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the pledge of allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manger Haydon, Police Chief Macagni, Director of Community Development Lindsey, Assistant Fire Chief Moreno, Director of Utilities Chisam, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, Director of Public Works/City Engineer Sweet, Planner III Shipsey, Planner II Halverson, and Chief Deputy City Clerk Perez.

PROCLAMATION – SPECIAL OLYMPICS TORCH RUN DAY
Mayor Lavagnino read a proclamation declaring June 13, 2006, as "Special Olympics Southern California Law Enforcement Torch Run Day" in the City of Santa Maria and urging the community to recognize and support the officers of the Santa Maria Police Department for their efforts in support of the Special Olympic athletes in the community. The proclamation was accepted by Lieutenant Ken George of the Santa Maria Police Department.

PUBLIC COMMENT
Andrew Maldonado invited the Council and public to the Guelaguetza Festival to be held on Sunday, June 11, 2006, from 10:00 a.m. to 4:00 p.m. at the Hagerman Sports Complex.

Ernest Armenta encouraged the voters of Santa Maria to run for office and to go out and vote. He requested Recreation and Parks Commission and Planning Commission meetings be televised and also requested the City form a Legislative Committee to review and inform the public regarding pending legislation.

CONSENT CALENDAR
City Manager Ness announced that Item 3Q – Extension of Supplemental Water Agreements was being continued to the next meeting.

Councilmember Orach requested Item 3C be pulled for comment. Councilmember Mariscal requested Item 3H be pulled for comment. Councilmember Patino requested Item 3S be pulled for comment.

Ernest Armenta asked to speak on Item 3Q.

Ernest Armenta requested the extension of the supplemental water agreements be placed on the agenda at the next meeting as a regular business item rather than a consent item.

Item 3C – Request by the All-America City Committee to attend the 2006 National Civic League's All-America City Competition and conference in Anaheim on June 9 – 11.

Councilmember Orach introduced Chairperson Laura Mahajer and several members of the All-America City Committee who were in attendance.

Chairperson Mahajer asked the Council to support sending a delegation to the All-America City Awards Competition and Trade Fair in Anaheim. The Committee is considering the reapplication for the award in 2007. She indicated that the City was invited to participate as an alumnus in the event and in the trade fair and discuss the City's successes. Five members of the Committee and one staff person would be attending.

Andrew Maldonado stated the All-America City competition is sponsored by the National Civic League and is the oldest and most prestigious recognition program in the Country. It recognizes exceptional community problem solving and is earned by communities that work together to address and overcome challenges. It recognizes the success that can be accomplished when all segments of the community work together for the common good of the community.

Item H – Update of the Commercial Vehicle Ordinance
Councilmember Mariscal stated this has been a very successful ordinance. The City has tried to reduce the number of commercially parked vehicles in residential areas of the City.

Code Compliance Supervisor Garcia stated this ordinance was adopted in December 2005, and has been very successful. It helps to maintain the integrity and character of the residential neighborhoods.

Mayor Lavagnino stated he thought the reason this has been so successful was because of Mr. Garcia's leadership and the way the Code Compliance Division approaches problems. He said he appreciates the manner in which they approach these problems.

Item 3S – Amendment to Agreement to Use Landfill Gas
Councilmember Patino stated this was a good example of how the City of Santa Maria is being innovative by bringing the gas from the landfill and piping it over to Marian Medical Center.

Mayor Lavagnino stated he had been told that this would save Marian Medical Center about $500,000 a year. That will be a significant savings for the hospital.

Consent Calendar Items A through S were approved excluding Item 3Q, which was withdrawn from the Consent Calendar, with the indicated action on motion by Councilmember Mariscal, seconded by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of May 16, 2006, were approved as submitted.

C. ALL-AMERICA CITY COMMITTEE
Council approved a request from the All-America City Committee to send a delegation to the All-America City Conference in Anaheim.

D. 2006-08 PROPOSED BUDGET
Council received the 2006-08 Proposed Budget, directed staff to distribute the documents, and set the time for a public hearing for consideration of the budget for June 20, 2006.

E. WARRANTS
Warrant Nos. 127264 to 127782 in the amount of $19,694,846.67 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 119109, 127270, 127436, 127519, 123233, 127501, 127560, and 127599 were canceled.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

G. ENTERTAINMENT LICENSE
Council approved an Entertainment License with conditions for East Donovan Lanes dba Rancho Bowl at 128 East Donovan Road to allow entertainment in the form of disc jockey services, karaoke, live bands, televised sporting events, comedy, benefit fundraisers, and concerts.

H. COMMERCIAL VEHICLE ORDINANCE UPDATE
Council received and filed a report regarding a six-month update on the Commercial Vehicle Ordinance adopted on December 6, 2005, to address commercial vehicles parked or stored on private property in residential zones.

I. DIANI ANNEXATION
Council referred the Diani Annexation Petition (APN 117-191-012) to the Planning Commission for consolidation into the City's Wastewater Treatment Plant Expansion Reorganization (AN-106). This is a 10.45-acre piece of property located at 1689 W. Stowell Road along the northeast side of AN-106.

J. ABC LICENSE
Council noted and filed a Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License to allow a stock transfer for Central Coast Wine Warehouse at 2717 Aviation Way.

K. ABC LICENSE
Council noted and filed a Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing warehouse, Central Coast Wine Warehouse, for Hitching Post Wines at 2717 Aviation Way, E-15.

L. ABC LICENSE
Council noted and filed a Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in a restaurant for DWS American Bistro at 2646 Santa Maria Way, Suite 106.

M. ABC LICENSE
Council noted and filed a Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in a restaurant for La Hacienda Restaurant at 312 West Main Street.

N. HISTORIC LANDMARK
Resolution No. 2006-76 was adopted approving the designation of the John Long House at 615 South McClelland Street, current site of the Recreation and Parks Department, as Historic Landmark LM-13 in the City of Santa Maria.

Resolution No. 2006-76 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DESIGNATING THE JOHN LONG HOUSE AS

HISTORIC LANDMARK LM-13 (SP-2006-007), LOCATED AT 615 SOUTH MCCLELLAND STREET.

O. SEAT BELT COMPLIANCE GRANT
Resolution No. 2006-77 authorizing the appropriation of $25,000 to be allocated to the Santa Maria Police Department under the provisions of the Office of Traffic Safety, California Seat Belt Compliance Campaign Program.

Resolution No. 2006-77 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING FUNDING UNDER THE OFFICE OF TRAFFIC SAFETY'S CALIFORNIA SEAT BELT COMPLIANCE PROGRAM.

P. INTENT TO ANNEX
Resolution No. 2006-78 was adopted initiating proceedings and declaring the intent to annex territory into the Southwest Landscape Maintenance District and the South Miller Street/South College Drive Landscape Maintenance District for Driscoll Strawberry Associates, Donahue Transportation, and Crabtree Six Units.

Resolution No. 2006-78 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, INITIATING PROCEEDINGS AND DECLARING THE INTENTION TO ANNEX TERRITORY TO ASSESSMENT DISTRICTS PURSUANT TO THE "LANDSCAPE AND LIGHTING ACT OF 1972" (DRISCOLL STRAWBERRY ASSOCIATES; DONAHUE TRANSPORTATION AND CRABTREE SIX UNITS).

Q. SUPPLEMENTAL WATER AGREEMENTS
A request for an extension of Supplemental Water Agreements for the sale of State Water Yield with individual Orcutt community property owners on a case-by-case basis for a one year period was withdrawn from the Consent Agenda and continued to the next meeting.

R. CASH REFUND VALUE (CRV) GRANT
Resolution No. 2006-80 was adopted approving the submission of an application to the California Department of Conservation, Division of Recycling, for a Cash Refund Value (CRV) Grant in the amount of $23,826 for 2006-07 and authorizing the appropriation of funds awarded.

Resolution No. 2006-80 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING SUBMISSION OF AN APPLICATION FOR THE CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION OF RECYCLING, CASH REFUND VALUE GRANT FUNDS FOR 2006-07.

S. USE OF LANDFILL GAS
Resolution No. 2006-81 was adopted approving an Amendment and the addition of a Site Lease and License Agreement with J & A – Santa Maria, LLC for use of landfill gas at the Santa Maria Regional Landfill for electrical power generation at Marian Medical Center.

Resolution No. 2006-81 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A LEASE AND AGREEMENT, AND AUTHORIZING AND DIRECTING THE DIRECTOR OF UTILITIES TO IMPLEMENT THE LANDFILL GAS UTILIZATION PROJECT.

SUNRISE TERRACE GPZ
Director of Community Development Lindsey introduced Planner II Brian Halverson who gave the staff report. This project is a request by Inland Pacific Builders for a General Plan Amendment and Zone Change. The project is located at the northeast corner of Sunrise Drive/Santa Maria Way and the Southeast Corner of Miller Street/Santa Maria Way. On May 3, 2006, the Planning Commission adopted Resolution Nos. 2418 and 2419 on a 5-0 vote recommending that the City Council authorize the filing of the

Mitigated Negative Declaration and approve the General Plan amendment and zone change. The amendment to the General Plan (Land Use) is to change 10.03 acres of CC (Community Commercial) to 3.22 acres of CC (Community Commercial) and 6.80 acres of HDR-14 (High Density Residential/14 units per acre). The zone change is from 10.03 acres of PD/C-2 (Planned Development/General Commercial) to 3.22 acres of PD/C-2 (Planned Development/General Commercial) and 6.80 acres of PD/R-3 (Planned Development/High Density Residential). The applicant originally proposed a commercial center (between 24,000 and 42,500 square feet) and between 66 and 102 residential condominiums units. Following concerns voiced by the public at the Planning Commission meeting, staff worked with the applicant to address these concerns by reducing the density from 16 units per acre to 14 units per acre.

Mayor Lavagnino opened the public hearing.

Laurie Tamura, Urban Planning Concepts, explained that this project had been before the Council several months ago with a different zoning configuration. She indicated the property was zoned commercial, and the 10 acres would support a 120,000 square foot commercial building. In looking at the success of the Mission Creek project, they felt it was appropriate to provide a mix of uses on the site as a transition from the commercial core to the residential. They have agreed to reduce the density from 16 units per acre to 14 units per acre. She commended staff for assisting them in getting this project through the process.

Ernest Armenta quoted from the staff report regarding a compliance letter from the applicable regulatory agencies, and asked if the developer had received the clearance letter. He said due to the oil contamination issues in the area, he thought the Council should hold off approving the project until that letter was received.

Dan Blough stated he was involved in the sale of the property to Inland Pacific Builders and a complete clean-up of the property was conducted less than a year ago.

Laurie Tamura stated the compliance letters had been received and were in the possession of Inland Pacific Builders; however, procedurally, these kinds of conditions were enforced prior to construction.

Planner Halverson explained that the condition of approval required the letter to be provided prior to issuance of building permits.

Hearing no further testimony, Mayor Lavagnino closed the public hearing.

Resolution No. 2006-82 was adopted approving a Mitigated Negative Declaration of environmental impact on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2006-82 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING MITIGATED NEGATIVE DECLARATION E-2005-030 FOR SUNRISE TERRACE GENERAL PLAN (LAND USE) AND REZONING GPZ-2005-005, LOCATED AT THE NORTHEAST CORNER OF SANTA MARIA WAY/SUNRISE DRIVE AND THE SOUTHEAST CORNER OF MILLER STREET/SANTA MARIA WAY, ASSESSOR'S PARCEL NUMBERS 128-090-023 AND 109-010-029.

Resolution No. 2006-83 was adopted approving the General Plan Amendment on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution no. 2006-83 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A GENERAL PLAN (LAND USE) AMENDMENT FOR 3.22 ACRES OF CC (COMMUNITY COMMERCIAL) AND 6.80 ACRES OF HDR-14 (HIGH DENSITY RESIDENTIAL) AT THE NORTHEAST CORNER OF SANTA MARIA WAY/SUNRISE DRIVE AND THE SOUTHEAST CORNER OF MILLER STREET/SANTA MARIA WAY, ASSESSOR'S PARCEL NUMBERS 128-090-023 AND 109-010-029.

Ordinance No. 2006-11, rezoning the site, was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2006-11 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING 10.02 ACRES OF PROPERTY LOCATED ON THE NORTHEAST CORNER OF SANTA MARIA WAY/SUNRISE DRIVE AND THE SOUTHEAST CORNER OF MILLER STREET/SANTA MARIA WAY, ASSESSOR'S PARCEL NUMBERS 128-090-023 AND 109-010-029.

PARKLAND COTTAGES, TRACT 5908

Director of Community Development Lindsey gave the staff report. This project site is approximately 3.23 acres in size, and is located in the 500 block of West McCoy Lane, on the south side of the street. The applicant requests a tentative tract map that would allow the construction of a total of 21 detached, single-family dwelling units and one common lot. The residences are intended to be used as senior housing where an age restriction of 55 years or over will be in place. The residences are two-bedroom, two-bathroom, single-story dwellings located on new interior private streets. The lots range in size from 3,000 to 4,000 square feet which is less than the minimum lot size of 7,000 square feet for lots being developed in the R-3 zoning district. On May 17, 2006, the Planning Commission adopted Resolution No. 2421 recommending that the City Council approve the tentative map. Yesterday, the City received a letter from legal counsel representing adjacent property owners, the Village Green Condominiums, for which there was planned access to the site for refuse trucks. Access was going to be through the Village Green site so the refuse trucks would not have to back up. The letter stated the permission for access had not been granted. As of the end of the day, staff had not received confirmation that permission had been given. Unless there has been a change, staff would recommend the Council open the public hearing, take testimony, and continue the item to the next meeting in order for the two property owners or their representatives to work out the issue and come back with written permission.

City Attorney Trujillo stated he met with Dan Blough, the applicant, and he presented a letter from the law firm of Kirk and Simas. He said it was a situation where there were competing attorneys who have different opinions. He recommended the item be continued unless a representative from the Village Green Homeowners Association with authority from the Homeowners Association withdraws the objection made by their attorney.

Mayor Lavagnino opened the public hearing.

Dan Blough, the applicant, stated he thought they had worked out the misunderstanding of the issue of access. The Homeowners Association was under the impression that the access would be used for construction. It will not be. There will be an electronic gate

that would be used by the Fire Department, Police Department, and for trash collection. He explained some of the changes that would be made that would benefit the Village Green property owners.

Mayor Lavagnino asked if Mr. Blough had a written agreement with the Village Green Homeowners Association that gave him access to their property.

Mr. Blough replied he did not and did not think he needed it. The parcel map that created the Village Green property and his property provided a reciprocal access easement. There is a separate access easement for the City for Fire, Police and public utilities. As Mr. Simas pointed out in his letter, one of the public utilities is sanitary disposition or trash removal.

Mayor Lavagnino stated he was told the City needed to have a written agreement giving Mr. Blough access to the Village Green property and asked if the City could accept verbal agreement from the representative of the Village Green Homeowners Association.

City Attorney Trujillo indicated he would like to have a written agreement signed by all the parties that they are in agreement with the access easement.

Mr. Blough requested the Council approve the tentative tract map with a condition that would require him to provide a signed agreement in a reasonable time period rather than hold up the project.

Karen Lamoreaux, Treasurer of the Country Club Village Green Homeowners Association Board, stated their concern was the access and how many people would be using that access. Their concern was mainly with construction traffic. The Board held a telephone call forum, and she was granted authority to withdraw their objection if Mr. Blough addressed their concerns. She said with a condition for a signed agreement to be executed, there would not be a problem. They wanted to be good neighbors but were concerned about wear and tear on their property.

Director of Community Development Lindsey stated that in recognition of the vested rights that come with a tentative tract map, he had a concern about approving the tentative tract map with a condition that would not satisfy the access question tonight.

Mr. Blough indicated that postponing approval of the tentative map would cause him problems, especially since the Planned Development Permit was scheduled for the Planning Commission meeting on June 7th. He said it would cost him about $7,000 a week.

City Attorney Trujillo stated the safest course of action was to require a written agreement between the Homeowners Association and the developer outlining the extent of the easement and to have that in hand prior to approving the tentative tract map.

Ernest Armenta stated the City Council should not approve the project like this. He recommended it be sent back to the Planning Commission.

Dan Blough stated he believed the City Council had the right to approve the project based on the reciprocal access easements that were recorded on the original parcel map.

Mayor Lavagnino recommended that the Council close the public hearing and continue the item to the next meeting if an agreement is presented prior to that time.

Mayor Lavagnino closed the public hearing.

On motion by Councilmember Mariscal, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

The tentative tract map for Parkland Cottages, Tract 5908, was continued to the next meeting pending submittal of a written access agreement between the developer and the Country Club Village Green Homeowners Association.

REPORT BY CITY MANAGER

City Manager Ness reported on items for the next regular City Council meeting on June 20, 2006, including a public hearing on the proposed 2006-08 budget, an appeal by Michael Murphy of the issuance of a Certificate of Public Convenience and Necessity for Santa Maria Cab Company, and suspension of the landfill and solid waste annual rate increases.

City Manager Ness recommended that the item for the extension of the Supplemental Water Agreements which was withdrawn from the Consent Agenda be placed on the Consent Agenda for the June 20th meeting and that the Utilities staff contact and supply Mr. Armenta with the information that he is requesting prior to that next meeting.

Mayor Lavagnino commended Assistant City Manager Haydon and Director of Administrative Services Snodgrass for a great job on the budget. It is very well done and very easy to read.

ORAL REPORTS OF COUNCILMEMBERS

Councilmember Trujillo reported that he participated at Lakeview Junior High School interviewing about 200 8th graders and said it was interesting to talk to them about their aspirations. He also reported on the Strawberry Luncheon on June 1st and was impressed by what the strawberry growers were doing in Santa Maria such as presenting scholarships to several young people. Finally he reported on the Memorial Day event by the California Veterans of America and the Lincoln Club with 275 people in attendance. The Lincoln Club elected to honor the Police Chief for the work he is doing. He commended the Recreation and Parks employee who assisted in the event.

Councilmember Orach reported on the Elks Rodeo Parade.

Mayor Lavagnino commented that the Elks Club did a great job and it was a great parade. On Sunday he judged the barbeque contest. The Martinez family won the prize. He also reported that he gave the commencement address for the Santa Maria Valley Joint Union High School Adult Program graduation. There were 200 graduates who received their high school diplomas.

Councilmember Patino also commended the Elks Club on a great parade and on the rodeo. She reported that on Friday, June 2nd, Fighting Back Santa Maria Valley held a Grad Night at the Saturn car dealership for the graduating seniors from the Santa Maria Valley. She recognized the partners who participated in the event. On June 6th she assisted at the Food Bank to separate food.

Councilmember Mariscal commended Fighting Back Santa Maria for a wonderful event and Pat Kusack for allowing the event to take place at Saturn. He indicated he also assisted at the Food Bank on June 6th to separate food which had been donated during the KCOY Spring Food Drive.

Councilmember Mariscal congratulated his wife and his youngest son who just graduated from high school on Friday. He also congratulated the Elks Club for the parade and the rodeo. The Santa Ynez Valley won the queen contest again with $274,000 in donations raised by that one queen candidate.

Councilmember Mariscal commented that there had been a lot of talk about today's date of 6-6-06; but 6-6-1944 was the Normandy invasion at which 10's of thousands of young men lost their lives storming the beaches at Normandy.

CLOSED SESSION
Council recessed to Closed Session at 7:55 p.m. for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria and Anticipated Litigation pursuant to subdivision (b) of Government Code Section 54956.9 (2 matters).

After the Closed Session, the following was announced.

Conference with Legal Counsel regarding Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report. No reportable action.

Conference with Legal Counsel regarding anticipated litigation (2 matters) – No reportable action.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 9:38 p.m. by order of Mayor Lavagnino.

APPROVED

6-20-06
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria

ATTEST:

Chief Deputy City Clerk